

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DONALD JEBIAN,
Plaintiff-Appellant,

v.

HEWLETT-PACKARD COMPANY
EMPLOYEE BENEFITS ORGANIZATION
INCOME PROTECTION PLAN; ERISA
PLAN,

Defendants-Appellees.

No. 00-56988

D.C. No.

CV-99-09548-

RSWL

Central District of
California,
Los Angeles

ORDER
WITHDRAWING
OPINION AND
DENYING
PETITION FOR
REHEARING AND
PETITION FOR
REHEARING EN
BANC

Filed November 25, 2003

Before: Harry Pregerson, A. Wallace Tashima and
Marsha S. Berzon, Circuit Judges.

ORDER

The opinion and dissenting opinion, filed November 19, 2002, published at 310 F.3d 1173, are withdrawn and replaced by the opinion and dissenting opinion filed concurrently with this order. Judge Pregerson and Judge Berzon have voted to deny Appellees' Petition for Rehearing and to reject Appellees' Petition for Rehearing En Banc. Judge Tashima has voted to grant the petitions. The full court has been advised

of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

The petition for rehearing is DENIED. The petition for rehearing en banc is REJECTED.

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